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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 APEX OPERATIONS, LLC, a Nevada limited
liability company; 420702 CONSULTING, LLC, a
11 Nevada limited liability company; ZOHA
DEVELOPMENT, LLC, a Nevada limited liability
12 company; MACMAS REAL ESTATE AND
AGRICULTURAL PRIVATE EQUITY
13 OPPORTUNITY FUND, LLC a foreign country
limited liability company; MICHAEL SASSANO,
14 an individual; RONALD SASSANO, an individual,

15 Plaintiffs,

16 v.

17 PAVEL ROSENBERG, and individual; MCIG,
18 INC., a Wyoming corporation; BOTS, INC. a
Puerto Rico corporation; OBITX, INC., a foreign
19 corporation; DOE individuals I through X,
inclusive; and ROE entities I through X, inclusive,

20 Defendants.
21

CASE No.: 2:22-cv-01169-RFB-DJA

**JOINT RULE 26(F) CONFERENCE
REPORT AND DISCOVERY PLAN**

22 Plaintiffs Apex Operations, LLC, 420702 Consulting, LLC, Zoha Development, LLC, McMas
23 Real Estate and Agricultural Private Equity Opportunity Fund, Michael Sassano, and Ronald Sassano,
24 (collectively, "Plaintiffs") by and through their counsel, Jason M. Wiley, Esq., of the law firm Wiley
25 Petersen and Defendant Pavel Rosenberg, by and through his attorney of record, Mont E. Tanner, Esq.
26 of the Law Offices of Mont E. Tanner, Defendant, (collectively the "Parties"), hereby submit this Joint
27 Report pursuant to Rule 26(f) of the Federal Rules of Civil Procedure.

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1 On May 29, 2024, the Parties by and through their respective counsel of record, met and
 2 conferred by telephone as required by Rule 26(f). During the telephone conference, matters set forth in
 3 Rule 26(f) were discussed. The following are the results of the discussions between counsel for the
 4 Parties.

5 1. Brief Factual Summary and Procedural History of the Case:

6 This case was filed in the Eighth Judicial District Court in Clark County, Nevada on June 1,
 7 2022. It involves Plaintiff's claims/allegations related to Defendants' failure to tender payments to
 8 Plaintiffs and refusing to resolve all claims through arbitration. Defendants deny the Plaintiff's
 9 allegations and the relief requested thereby.

10 Plaintiffs retained its process server, Junes Legal Services, to attempt service in Virginia,
 11 Florida, and Puerto Rico for all Defendants.

12 Service upon Defendant Paul Rosenberg was successful on June 15, 2022, at 2367 Jawed Place,
 13 Dunn Loring, VA 22027. On June 21, 2022, Service upon Defendant OBITX, Inc. was successful at
 14 the address 12574 Flagler Center Blvd., Suite 101, Jacksonville, FL 32258. On June 23, 2022, Service
 15 upon Defendant MCIG, Inc. was successful at the address 401 Ryland Street, Suite 200-A, Reno Nevada
 16 89502.

17 On July 20, 2022, Defendant Everything Blockchain, Inc. (erroneously identified as OBITX,
 18 Inc.) removed the action to federal court with the consent of the served Defendants, MCIG and
 19 Rosenberg [ECF No. 1].

20 Defendant OBITX filed a Motion to Dismiss Plaintiff's Complaint, on July 27, 2022 [ECF. No.
 21 5]. Defendant Rosenberg filed his *Answer to the Plaintiff's Complaint* on August 9, 2022 [ECF No. 14].

22 Plaintiffs and OBITX filed a Stipulation and Order to Extend Time to File Plaintiffs' Response
 23 to Defendant Everything Blockchain, Inc.'s Motion to Dismiss Under FRCP 12(b)(2) and, Alternatively,
 24 FRCP 12(b)(6) seeking an extension of time to file response to the Motion to Dismiss to August 24,
 25 2022 [ECF No. 15]. The Court granted the stipulated request on August 11, 2022 [ECF No. 16].

26 Plaintiffs and OBITX filed a Stipulation and Order for Dismissal with Prejudice of Defendant
 27 Everything Blockchain, Inc. (Erroneously Named as OBITX, Inc.) Only [ECF No. 22]. The Court
 28 granted the stipulated request on September 27, 2022 [ECF No. 23].

1 On October 11, 2022, Plaintiffs filed a Renewed Motion for Enlargement of Time to Effectuate
2 Service upon Defendant BOTS, Inc. [ECF No. 26]. The Court granted the Motion on October 13, 2022
3 [ECF No. 27].

4 Service upon Defendant BOTS, Inc. was successful on October 25, 2022, at 2367 Jawed Place,
5 Dunn Loring, Virginia 22027.

6 On November 3, 2022, Plaintiffs filed a Request for Entry of Default against Defendant MCIG,
7 Inc. [ECF No. 28] due to the failure of appearance by Defendant MCIG, Inc. The Court granted and
8 entered the Default on November 18, 2022 [ECF No. 30].

9 On January 4, 2023, Plaintiff filed a Request for Entry of Default against Defendant BOTS, Inc.
10 [ECF No. 31] due to the failure of appearance by Defendant BOTS, Inc. The Court granted the request
11 and entered Default on January 19, 2023 [ECF No. 32].

12 On May 22, 2023, the Court filed an order granting the parties' stipulation to stay the case to
13 allow the parties to participate in mediation [ECF No. 38].

14 The parties now petition the Court to lift the stay in conjunction with this discovery order and
15 plan.

16 2. Initial Disclosures: The Parties agree that the initial disclosures will be made in thirty (30) days
17 from the date the Court adopts the proposed deadlines and issues in order on the same.

18 3. Number of Days Required for Discovery: The parties anticipate that discovery will adhere to the
19 one hundred eighty (180) days anticipated by LR 26-1(e). The Parties therefore stipulate to a discovery
20 cut-off date of **December 2, 2024**, which is one hundred eighty (180) days from the Rule 26(f)
21 conference.

22 4. Amending the Pleadings and Adding Parties: The Parties do not anticipate joining additional
23 parties at this time. The Parties believe that it is premature before discovery to anticipate whether
24 additional claims may need to be added into this action. If it is discovered that different or additional
25 parties are responsible for the subject claims, or that additional claims exist which should be included in
26 this litigation, including possible counterclaims, the Parties will seek to add those Parties as defendants
27 and/or add the additional claims in this action, either by stipulation to do so by amended pleadings, or
28 through a motion to amend the pleadings, as needed. The Parties agree the date of filing motions to

1 amend the pleadings or to add parties shall not be later than ninety (90) days prior to the close of
2 discovery pursuant to Local Rule 26-1(e)(2), or **September 2, 2024**.

3 5. Fed. R. Civ. P. 26(a)(2) Expert Disclosures: The Parties agree that the time deadlines specified in
4 Fed. R. Civ. P. 26(a)(2)(C) for disclosures concerning experts shall not be later than sixty (60) days
5 prior to the close of discovery pursuant to Local Rule 26 1(b)(3), or **October 2, 2024**. Rebuttal expert
6 disclosures shall be made 30 days after the initial disclosure of experts, which is **November 4, 2024**.

7 6. Dispositive Motions: The Parties agree that the date for filing dispositive motions shall be
8 pursuant to Local Rule 26-1(e)(4) and not later than thirty (30) days after the discovery cut-off date, or
9 **January 2, 2025**.

10 7. Pretrial Order: The Parties agree that pursuant to Local Rule 26-1(e)(5), the Joint Pretrial Order
11 shall be filed not later than (30) days after the date for filing dispositive motions, or **February 3, 2025**.
12 In the event dispositive motions are filed, the date for filing the joint pretrial order shall be suspended
13 until thirty (30) days after the decision of the dispositive motions or further order of the Court.

14 8. Extensions of Scheduled Deadlines: In accordance with Local Rule 26-4, a stipulation or motion
15 for modification or extension of this discovery plan and scheduling order must be made no later than
16 twenty-one (21) days before the expiration of the subject deadline.

17 9. Fed. R. Civ. P. 26(a)(3) Disclosures: Pursuant to Local Rule 26-1(e)(6), the disclosures required
18 by Fed. R. Civ. P. 26(a)(3) and any objections thereof shall be included in the Joint Pretrial Order.

19 10. Subjects for Discovery: The Parties agree that discovery may be needed on all claims or defenses
20 raised in the pleadings. At this time, the Parties do not anticipate conducting discovery in phases or
21 otherwise limiting discovery to particular issues.

22 11. Privilege: The Parties intend to enter into a stipulated protective order to protect the
23 confidentiality of materials that are normally kept confidential by the parties, either for proprietary,
24 commercially competitive reasons and other federal and state privacy grounds. At this time, the Parties
25 do not see the need to request the Court to enter any orders other than the Stipulated Protective Order
26 which the Parties intend to submit within thirty (30) days.

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12. Alternative Dispute Resolution. The parties certify that they met and conferred about the possibility of using alternative dispute-resolution processes including mediation, arbitration, and if applicable, early neutral evaluation.

13. Alternative Forms of Case Disposition. The parties certify that they considered consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program (General Order 2013-01) and do not consent to either.

14. Electronic Evidence: The parties certify that they discussed whether they intend to present evidence in electronic format to jurors for the purposes of jury deliberations. The parties have reached no stipulations yet concerning providing discovery in an electronic format compatible with the court's electronic jury evidence display system. The parties may serve discovery requests, discovery responses, and disclosures via electronic mail or U.S. Mail. For electronic service to be effective as to Plaintiffs', in addition to electronic service to all counsel of record, electronic service shall also be sent to Caitlin Pascal at cpascal@wileypetersenlaw.com, unless otherwise amended in writing by Plaintiffs. For electronic service to be effective as to Defendants, in addition to electronic service to all counsel of record, electronic service shall also be sent to Mont E. Tanner, Esq. at mtannerlaw@aol.com, unless otherwise amended in writing by Defendants.

15. Discovery and Motion Dates:

- | | |
|---------------------------------------|---|
| A. Close of Discovery: | <u>December 2, 2024</u> |
| | (180 days after Rule 26(f) Conference) |
| B. Motions to Amend Pleadings | <u>September 2, 2024</u> |
| or Add Parties (without court order): | (90 days before close of discovery) |
| C. Initial Experts: | <u>October 2, 2024</u> |
| | (60 days before close of discovery) |
| D. Rebuttal Experts: | <u>November 4, 2024</u> |
| | (30 days after initial disclosure of experts) |
| E. Final date to file Dispositive | <u>January 2, 2025</u> |
| Motions: | (30 days after discovery cut-off) |

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1 F. Joint Pretrial Order:

February 3, 2025

(30 days after date set for dispositive motions)

2
3 DATED this 29th day of May, 2024.

DATED this 29th day of May, 2024.

4 **WILEY PETERSEN**

LAW OFFICES OF MONT E. TANNER

5 */s/ Jason M. Wiley*

/s/ Mont E. Tanner

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Attorney for Defendant Pavel Rosenberg

12 *Attorneys for Plaintiffs*

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14 **ORDER**

15 IT IS SO ORDERED.

16
17 
UNITED STATES MAGISTRATE JUDGE

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19 DATED: _____ July 10 _____, 2024